

CHAPTER 10 Responses to Comments

10.1 ORGANIZATION OF THE RESPONSES TO COMMENTS

In total, seven comment letters were received during the DEIR review period from four state departments, one organization, and two individuals. Table 10-1 (Comment Letters Received on the DEIR) provides a comprehensive list of commenters in the order that they are presented in this section.

Table 10-1 Comment Letters Received on the DEIR				
No.	Commenter/Organization	Abbreviation	Page Where Comment Begins	Page Where Response Begins
STATE DEPARTMENTS				
1	California Department of Conservation (dated October 20, 2011)	DOC	10-3	10-22
2	California Department of Toxic Substances Control (dated October 20, 2011)	DTSC	10-4	10-22
3	California Department of Transportation (dated October 12, 2011)	DOT	10-8	10-25
4	Native American Heritage Commission (dated September 30, 2011)	NAHC	10-10	10-27
PRIVATE ORGANIZATIONS				
5	Hickey and Petchul, LLP (on behalf of Huntington View Point Owners Association) (dated October 21, 2011)	HP	10-15	10-27
INDIVIDUALS				
6	The Peter Law Firm (Alois Peter, Jr.) (dated October 19, 2011)	PLF	10-17	10-31
7	Kate Tran (dated October 18, 2011)	KT	10-19	10-35

In addition to the written comments noted above, five verbal comments from individuals were received at the Beach and Ellis Mixed-Use Project DEIR Public Information Meeting held on October 6, 2011, as outlined below.

Table 10-2 Verbal Comments Received at the DEIR Public Information Meeting			
Commenter	Abbreviation	Page Where Comment Begins	Page Where Response Begins
PUBLIC TESTIMONY (DEIR MEETING)			
Tipton Wright	TW	10-21	10-35
John Craney	JC	10-21	10-37
Fred Kent	FK	10-21	10-38
Simon Feirstein	SF	10-21	10-39
Nancy Untener	NU	10-21	10-39

This chapter of the EIR contains all comments received on the DEIR during the public review period, as well as the Lead Agency's responses to these comments. Reasoned, factual responses have been provided to all comments received, with a particular emphasis on environmental issues. Detailed responses have been provided where a comment raises a specific issue; however, a general response has been provided where the comment is relatively general. Although some letters may raise legal or planning issues, these issues do not always constitute environmental issues as defined by CEQA. In these instances, the comment has been noted, but a detailed response has not been provided. Generally, the responses to comments provide explanation or expand on information contained in the DEIR.

10.2 COMMENTS ON THE DEIR

This section contains the original comment letters, which have been bracketed to isolate the individual comments, followed by a section with the responses to the comments within the letter. As noted above, and stated in CEQA Guidelines Sections 15088(a) and 15088(b), comments that raise environmental issues are provided with responses. Comments that are outside of the scope of CEQA review will be forwarded for consideration to the decision makers as part of the project approval process. In some cases, a response may refer the reader to a previous response, if that previous response substantively and substantially addressed the same issues.

10.2.1 State Departments

■ California Department of Conservation (DOC), dated October 20, 2011

DOC

NATURAL RESOURCES AGENCY
EDMUND G. BROWN, JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

5816 CORPORATE AVENUE • SUITE 200 • CYPRESS, CALIFORNIA 90630-4731
PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEB SITE conservation.ca.gov

RECEIVED

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Dept. of Planning
& Building

October 20, 2011

Ms. Rosemary Medel
City of Huntington Beach, Dept. of Planning and Building
2000 Main Street
Huntington Beach, CA 92648

ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE BEACH AND ELLIS MIXED USE PROJECT, SCH # 2011091022

Dear Ms. Medel:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division), Cypress office, has reviewed the above referenced project. Our comments are as follows.

The proposed project is located within the administrative boundaries of the Huntington Beach oil field. There are no wells within the project boundaries. However, if excavation or grading operations uncover a previously unrecorded well, the Division's Cypress district office must be notified, as the discovery of any unrecorded well may require remedial operations.

If you have any questions, please call me (714) 816-6847.

DOC-1

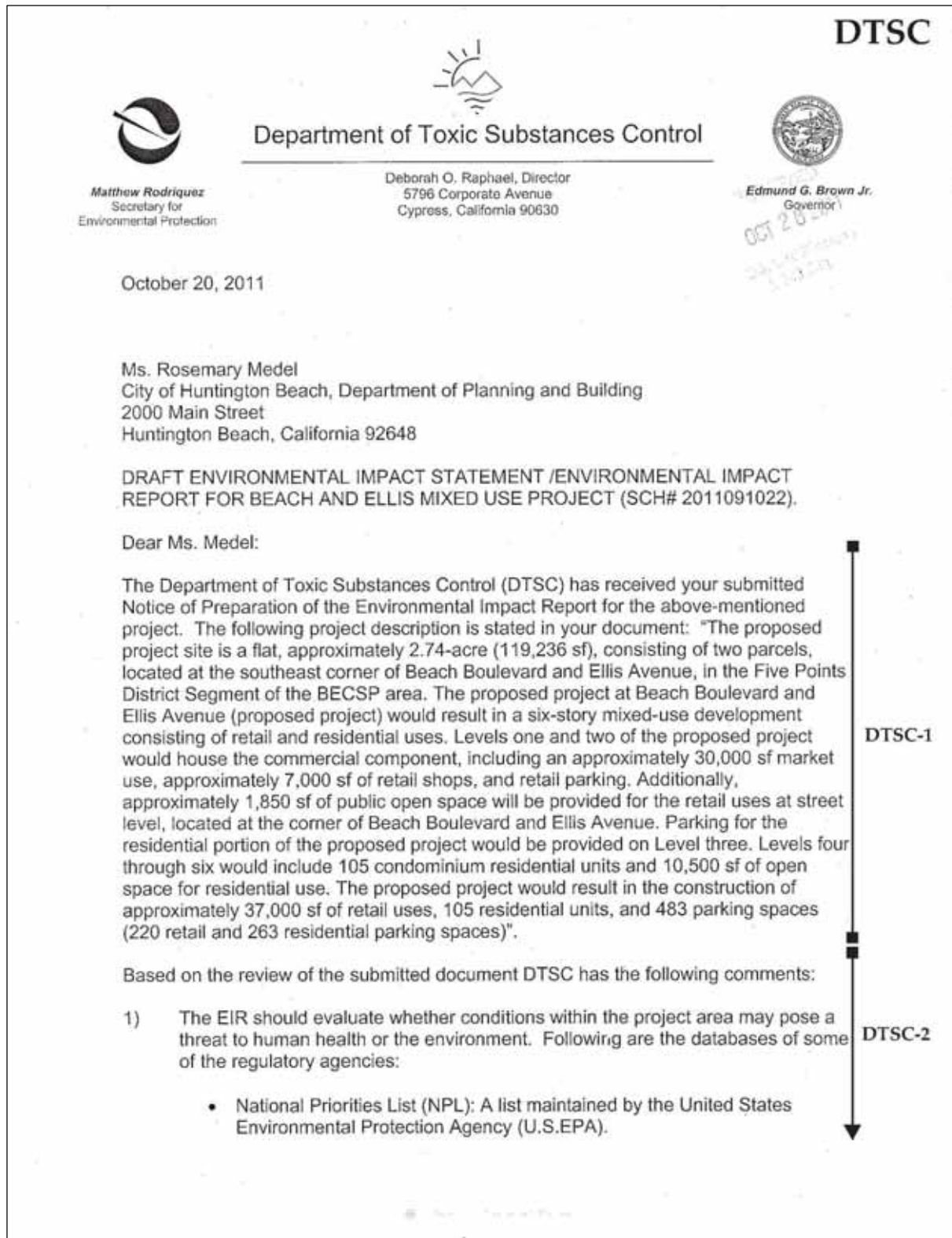
Sincerely,



Syndi Pompa
Associate Oil & Gas Engineer - Facilities

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

■ California Department of Toxic Substances Control (DTSC), dated October 20, 2011



Ms. Rosemary Medel
October 20, 2011
Page 2

- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the

DTSC-2
Cont.

DTSC-3

DTSC-4

DTSC-5

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- presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
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- DTSC-5
Cont.
- DTSC-6
- DTSC-7
- DTSC-8
- DTSC-9

Ms. Rosemary Medel
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Page 4

If you have any questions regarding this letter, please contact me at ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program


cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov

CEQA # 3349

DTSC-10

California Department of Transportation (DOT), dated October 12, 2011

<div style="font-size: 24pt; font-weight: bold;">DOT</div>	
<div style="font-size: 8pt; text-align: center;">STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY</div> <div style="font-size: 8pt; text-align: right;">Edmund G. Brown Jr., Governor</div> <div style="font-weight: bold; margin-top: 10px;">DEPARTMENT OF TRANSPORTATION</div> <div style="font-size: 8pt;"> District 12 3337 Michelson Drive, Suite 380 Irvine, CA 92612-8894 Tel: (949) 724-2000 Fax: (949) 724-2592 </div>	 <div style="font-size: 8pt; margin-top: 5px;"> <i>Plus your power! Be energy efficient!</i> </div>
<div style="font-weight: bold;">FAX & MAIL</div>	
<div style="font-weight: bold;">October 12, 2011</div>	
<div style="font-size: 8pt;"> Ricky Ramos Senior Planner City of Huntington Beach 2000 Main Street Huntington Beach, CA 92648 </div>	<div style="font-size: 8pt;"> File: IGR/CEQA SCH#: 2011091022 Log #: 2787 SR-39 and I-405 </div>
<div style="font-weight: bold; font-size: 8pt;">Subject: 18502 and 18508-18552 Beach Boulevard at Ellis</div>	
<div style="font-size: 8pt;">Dear Mr. Ramos,</div>	
<div style="font-size: 8pt;"> Thank you for the opportunity to review and comment on the Notice Beach and Ellis Mixed Use Project Environmental Impact Report (EIR). The proposed project would result in a Six-story mixed-use development consisting of retail and residential uses, located at the corner of Beach Boulevard and Ellis Avenue. The nearest State routes to the project are SR-39 and I-405. </div>	
<div style="font-size: 8pt;"> The California Department of Transportation (Department), District 12 is a commenting agency on this project and has the following comments: </div>	
<div style="font-size: 8pt;"> 1. The Department's Traffic Operations Branch requests all applicants to use the method outlined in the latest version of the Highway Capacity Manual (HCM) when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by the Department because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on State Facilities, the Department recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, Traffic Operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in possible delay or denial of a permit by the Department. All input sheets, assumptions and volumes on State Facilities including ramps and intersection analysis should be submitted to the Department for review and approval. </div>	<div style="font-size: 12pt; font-weight: bold;">DOT-1</div> <div style="font-size: 12pt; font-weight: bold; margin-top: 20px;">DOT-2</div>
<div style="font-size: 8pt;">"Caltrans improves mobility across California"</div>	

The traffic impact on the state transportation system should be evaluated based on the Department's Guide for the Preparation of Traffic Impact Studies which is available at: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>. Please ensure the EIR includes appropriate mitigation measures to offset any potential impacts. The intersection at Main Street and Ellis should be analyzed for the future condition in the year 2030 and address the potential back up and over flow into the Beach Boulevard. The proper mitigation should be implemented to address this overflow.

2. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, sound walls, storm drain construction, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, Right-of-Way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>
3. All work performed within the Department's Right-of-Way shall be in accordance with the Department's Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Farhad Edward Khosravi at ed_khosravi@dot.ca.gov or (949) 724-2338.

Sincerely,



Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

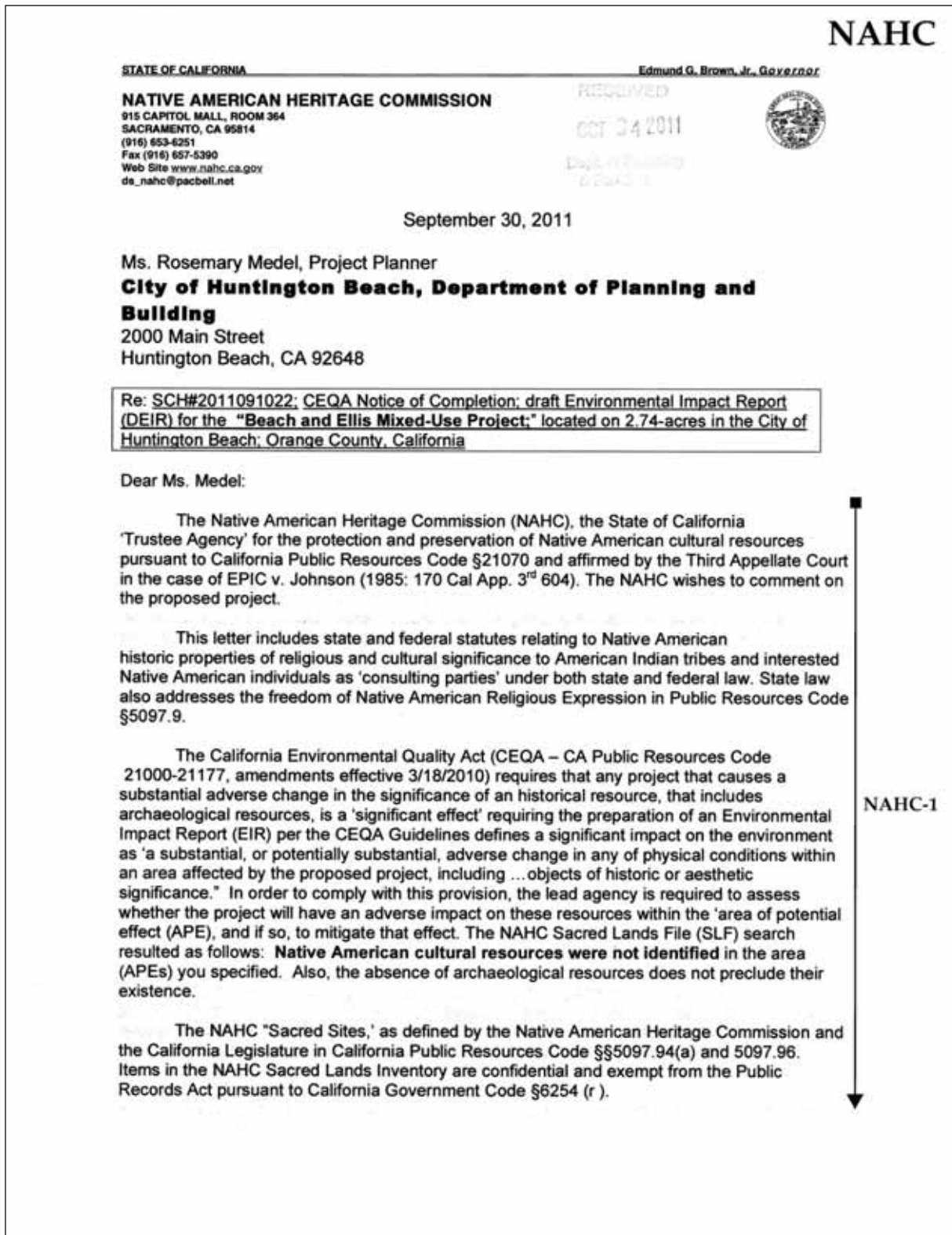
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DOT-3

DOT-4

"Caltrans improves mobility across California"

■ Native American Heritage Commission (NAHC), dated September 30, 2011



Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing

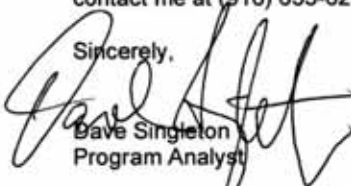
NAHC-1
Cont.

relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

NAHC-1
Cont.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
 Orange County
 September 30, 2011

Ti'At Society/Inter-Tribal Council of Pimu
 Cindi M. Alvitre, Chairwoman-Manisar
 3098 Mace Avenue, Aapt. D Gabrielino
 Costa Mesa, CA 92626
 calvitre@yahoo.com
 (714) 504-2468 Cell

Gabrielino Tongva Nation
 Sam Dunlap, Chairperson
 P.O. Box 86908
 Los Angeles, CA 90086
 samdunlap@earthlink.net
 (909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
 David Belardes, Chairperson
 32161 Avenida Los Amigos Juaneno
 San Juan Capistrano CA 92675
 chiefdavidbelardes@yahoo.
 (949) 493-4933 - home
 (949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
 Anthony Rivera, Chairman
 31411-A La Matanza Street Juaneno
 San Juan Capistrano CA 92675-2674
 arivera@juaneno.com
 (949) 488-3484
 (949) 488-3294 - FAX
 (530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
 John Tommy Rosas, Tribal Admin.
 Private Address
 Gabrielino Tongva
 ,
 tattnlaw@gmail.com
 310-570-6567

Gabrielino Tongva Indians of California Tribal Council
 Robert F. Dorame, Tribal Chair/Cultural Resources
 P.O. Box 490
 Bellflower, CA 90707
 gtongva@verizon.net
 562-761-6417 - voice
 562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
 Anthony Morales, Chairperson
 PO Box 693
 San Gabriel, CA 91778
 GTTribalcouncil@aol.com
 (626) 286-1632
 (626) 286-1758 - Home
 (626) 286-1262 -FAX

Juaneno Band of Mission Indians
 Alfred Cruz, Cultural Resources Coordinator
 P.O. Box 25628
 Santa Ana, CA 92799
 alfredgcruz@sbcglobal.net
 714-998-0721
 714-998-0721 - FAX
 714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011091022; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Beach and Ellis Mixed-Use Project; located in the City of Huntington Beach; Orange County, California.

Native American Contacts
Orange County
September 30, 2011

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneno Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.net
(714) 323-8312

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrielinotribe.org

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabirelino Tongva
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011091022; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Beach and Ellis Mixed-Use Project; located in the City of Huntington Beach; Orange County, California.

10.2.2 Organizations

■ Hickey and Petchul, LLP (on behalf of the Huntington View Point Owners Association) (HP), dated October 21, 2011

<p>David E. Hickey Dick E. Petchul Denise D. Igar David A. Wankel Christopher J. Bunkowski Deborah L. Leifer William P. Hickey*</p> <p>*of Counsel</p>	<p>HICKEY & PETCHUL, LLP</p> <p>ATTORNEYS AT LAW 114 PACIFICA, SUITE 340 IRVINE, CALIFORNIA 92618 TELEPHONE (949) 727-1777 FACSIMILE (949) 727-1797</p>	<p>HP</p> <p>www.HPlaw.net</p> <p>RECEIVED OCT 24 2011 Dept. of Planning & Building</p>
<p>October 21, 2011</p>		
<p>Rosemary Medel, Associate Planner City of Huntington Beach Planning and Building Department 2000 Main Street Huntington Beach, CA 92648</p>	<p><u>VIA FEDERAL EXPRESS OVERNIGHT</u> <u>AND U.S. MAIL</u></p>	
<p>Re: Huntington View Point Owners' Association</p> <p>Subject: Comments and Objections to Beach and Ellis Mixed-Use Project</p> <p>Dear Ms. Medel:</p> <p>This firm is legal counsel for the Huntington View Point Owners' Association ("Association"). In that capacity, we have been requested to comment upon and object to the Beach and Ellis Mixed-Use Project pursuant to Section 15087 of the State CEQA Guidelines. The Association maintains the position that such a project is potentially detrimental to the quality of life of the residents of the Association, including potential for increased traffic, crime and overall reduction in the quality of life.</p> <p>The Association consists of approximately 81 single-family, townhome residences located nearby to the Beach and Ellis Mixed-Use Project. The development of the commercial and residential units as part of the Beach and Ellis Mixed-Use Project will directly impact the families, residents, and Members of the Huntington View Point Owners' Association in terms of increased vehicular traffic, pedestrian traffic, potential increases in criminal activity, and increased competition for limited parking. As the Mixed-Use Project anticipates approximately 105 to 274 residential units within a 2.7 acre site, this high density structure, will likely detrimentally impact not only the residents of Huntington View Point Owners' Association, but all residents living within the City of Huntington Beach. High density projects tend to increase traffic, parking and crime rates, and all have a negative impact upon the property values of the current constituency within the City of Huntington Beach.</p>		
<p>HP-1</p>		
<p>HuntingtonViewPoint/Medel/HRBBeach/Elis/Project/102111</p>		

Ms. Medel
City of Huntington Beach
October 21, 2011
Page 2

The Association urges the City of Huntington Beach Planning and Building Department to reconsider the overall high-density nature of this potential project, and more adequately address the specific environmental impact this project will have upon the quality of life for the current residents and constituents within the City of Huntington Beach, as well as those within the specific homeowners association known as Huntington View Point Owners' Association. The Association intends to appear at the public hearing to be held in this matter and to object to the commencement of this project unless further studies and research is conducted to ensure that the impact upon residents of the City of Huntington Beach and the residents of the Huntington View Point Owners' Association is minimized.

HP-2

The Association requests that the City of Huntington Beach Planning and Building Department provide individual notice to the homeowners within Huntington View Point Owners' Association prior to approving this project to allow the individual Members of the community to review the Environmental Impact Report, as well as the project description, to allow for proper comment from individual owners within the community. It appears, based upon our review of the documentation, that such notice was not previously provided to the specific owners and residents within the Huntington View Point Owners' Association.

HP-3

Additionally, the Association reserves its right to further comment and object to any of the issues contained within the pool of comments and objections received from other interested parties.

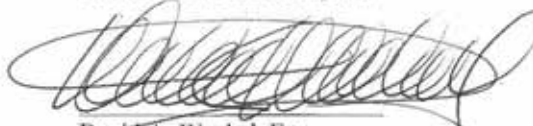
HP-4

The Association appreciates the City's anticipated cooperation in this matter, and we look forward to working with the Planning and Building Department to ensure that the residents of Huntington View Point Owners' Association are adequately protected.

HP-5

Very truly yours,

HICKEY & PETCHUL, LLP



David A. Wankel, Esq.

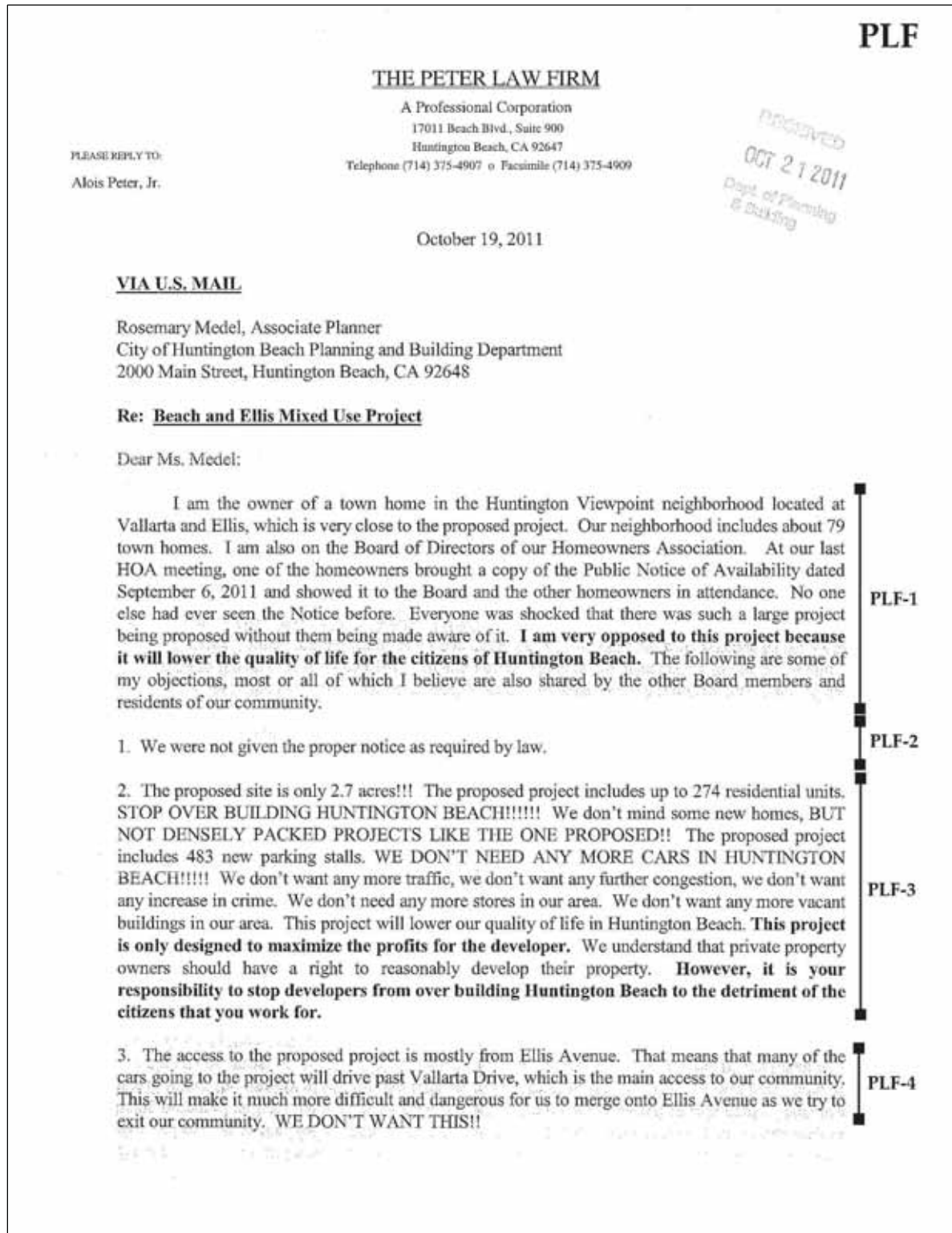
DAW:jw

cc: Board of Directors
Huntington View Point Owners' Assn.

HuntingtonViewPoint/Medel/HBBeachEllisProject/102111

10.2.3 Individuals

■ The Peter Law Firm (Alois Peter, Jr.) (PLF), dated October 19, 2011



4. The air quality in our neighborhood will get worse. With thousands of cars driving in and out of the proposed project every day, the air pollution would increase. WE DON'T WANT DIRTIER AIR, WE WANT CLEANER AIR!!

PLF-5

5. The cultural aspects of our community will get worse. We are not Manhattan where everyone is densely packed together. We live in HB because we don't want to live in a crowded environment. WE DON'T WANT OVER CROWDING!!

PLF-6

6. The noise level in our community will go way up. 274 more residences and thousands more cars will increase the noise levels in our community. Not to mention the irritating HB helicopter will probably hover over the site, further increasing the noise and creating a nuisance. WE WANT A PEACEFUL COMMUNITY NOT A NOISIER ONE!!

PLF-7

7. The utilities and service systems of HB will be further strained. For what? The citizens of HB will not benefit.

PLF-8

8. We have seen arguments that the proposed project will have less negative impact than even higher density development that has been proposed for the future. **This is a typical political scare tactic that does not belong in Huntington Beach.** You must compare how this proposed project will affect the lives of the citizens of HB **now**, not compare the proposed project to an even worse scenario in the future.

PLF-9

9. Even the construction of this proposed project would create a nuisance that we don't want.

PLF-10

10. We are also concerned that if the project is approved, it probably will never be completed. It does not make sense to build a large dense project like this in this economy. It is a recipe for disaster. **We already have enough vacant buildings in HB.** The City of HB already took the land at the old golf course on PCH and sold it to a developer to build a huge project **which was never completed.** **To this day that entire job site is an eye sore in our city.** **We would have been much better off allowing the golf course and the small residential community adjacent to it to remain.** WE DON'T WANT THE SAME THING HAPPENING ADJACENT TO OUR COMMUNITY!!!

PLF-11

I'm sure you understand that we don't want this project. You have a responsibility to look out for the best interests of the citizens of HB, not some investors who don't even live here. Please put me on whatever list you have so that I will receive proper notice of the next hearing. Thank you.

PLF-12

Sincerely,
THE PETER LAW FIRM


Alois Peter, Jr.

■ Kate Tran (KT), dated October 18, 2011

KT

Thanks again,

Rosemary Medel, Associate Planner
 City of Huntington Beach, CA 92648
 Office (714) 374-1684
 Fax (714) 374-1540
 email: rmedel@surfcity-hb.org

From: Kate Tran [<mailto:kate4homes@gmail.com>]
Sent: Tuesday, October 18, 2011 11:57 AM
To: Medel, Rosemary
Subject: Beach & Ellis project

Dear Ms. Medel,

Thank you for taking the time to speak to me about the Beach & Ellis plan, which is part of the Beach and Edinger Corridor Specific Plan. I must say I feel strongly that the plan to develop a six-story building on the corner of Beach & Ellis would be a huge mistake. I am in favor of redevelopment and approve the changes that have been made thus far on Edinger, but this location is far too small to allow for the kind of traffic congestion that would occur if such a large building be constructed. There are plenty of apartments already in place at that location; however, I would definitely be in favor of a new commercial structure, two stories at most. I would like to know the outcome of the city's decision and realize that it is important as a local homeowner to become more aware of its plans. Thank you for the time to read my comments; I hope they will be considered in this matter.

KT-1

Sincerely,

Kate Tran
714-837-1983 direct
<mailto:kate4homes@gmail.com>

Medel, Rosemary

To: Kate Tran
Subject: RE: Beach & Ellis project

Ms. Tran, as required by the California Environmental Quality Act (CEQA), the responses to your comments will be incorporated in the Beach and Ellis Final EIR. I will add your name to our mailing list for notification of all future meetings regarding this project.

Thanks again for your comments,

Rosemary Medel, Associate Planner
City of Huntington Beach, CA 92648
Office (714) 374-1684
Fax (714) 374-1540
email: rmedel@surfcity-hb.org

From: Kate Tran [mailto:kate4homes@gmail.com]
Sent: Tuesday, October 18, 2011 1:11 PM
To: Medel, Rosemary
Subject: RE: Beach & Ellis project

Dear Ms. Medel,

My home address is 18192 Hartlund Lane, HB, 92646. I looked at SP 14 on line--the report is so long and the print so small it was difficult to understand. Were the particulars of its impact on the corner of Ellis & Beach addressed at the time of its passing, or does the city have carte blanche at this point to build as it sees fit along Beach Blvd. without further approval of the voters?

KT-2

Thank you for your assistance.

Kate Tran

From: Medel, Rosemary [mailto:rmedel@surfcity-hb.org]
Sent: Tuesday, October 18, 2011 12:51 PM
To: Kate Tran
Subject: RE: Beach & Ellis project

Ms Tran, thank you for your participation in the process. Also, here is the link to the Beach and Edinger Corridors Specific Plan (SP 14), which will provide you with the intent, vision and development standards of the SP 14.
http://www.huntingtonbeachca.gov/files/users/planning/SP14_Beach_Edinger_050510.pdf

You can also follow Planning Division projects from our home page. Look under major projects as learn what is being considered for development in Huntington Beach.
<http://www.huntingtonbeachca.gov/Government/Departments/Planning/>

For the record, can you please forward your address?

10.2.4 Public Testimony (DEIR Meeting)

■ Tipton Wright (TW)

- No one will use Beach Boulevard vehicular access point.
- Are there impacts to Beach Boulevard and Ellis Avenue due to the reduction of vehicular access points from seven to two?
- Concerned about area intersections.
- When was the last time car counts were taken in the city?
- How will Bolsa be impacted by the project?
- Concerns about backing up in the alley.

■ John Craney (JC)

- Concerned that project will make existing congestion on Ellis Avenue worse.
- Center lane does nothing.
- The intersections of Beach Boulevard/ Ellis Avenue and Beach Boulevard/Main Street are already clogged.
- The project will increase crime and the need for police. Crime statistics in the project area should be provided.
- Fumes associated with parking lot will create air pollution.
- Six stories is too high.
- Do not think there is enough water to serve project. Landscaping will require water. The city already has water restrictions.
- No benefits to the citizens of Huntington Beach.
- Cannot believe project is being pushed through.

■ Fred Kent (FK)

- What is SRO? Not defined in DEIR glossary
- Was not aware of any previous meetings.
- Was analysis done for traffic on Ellis Avenue?
- Would lights or turning lanes be installed at project site vehicular access points?
- Traffic at the intersection of Ellis Avenue and Main Street is already bad.
- Concerns about residents maneuvering in to project site. Access points may be too close to intersection.

■ Simon Feirstein (SF)

- How would the project accommodate semitruck maneuvering in and out of the project site?
- Will the dedicated alleyway in the back be widened?
- Concerned about trucks using fire lane

■ Nancy Untener (NU)

- Is there another project similar to the proposed project in terms of the number units, density and square footage?

10.3 RESPONSES TO COMMENTS ON THE DEIR

10.3.1 State Departments

■ California Department of Conservation (DOC), dated October 20, 2011

DOC-1 Comment noted. This comment states that the proposed project site is located within the administrative boundaries of the Huntington Beach oil field and that no wells are located within the project boundaries. This statement is consistent with the findings of the Phase I Environmental Site Assessment Report (ESA) and Phase II Investigation report prepared for the project site.

The Department of Conservation (DOC) requests that if a previously unrecorded well is uncovered during excavation or grading operations that the DOC's Cypress district office be notified, as the discovery of any unrecorded well may require remedial operations. In the event that unknown contamination is encountered that could present a threat to human health or the environment is encountered during construction the appropriate agency would be notified, as required by mitigation measure BECSP MM4.6-2. As such, in the event that an unrecorded well is encountered, DOC will be notified.

■ California Department of Toxic Substances Control (DTSC), dated October 20, 2011

DTSC-1 This comment contains introductory or general information, and correctly provides a summary of the proposed project. Please refer to responses to specific comments and recommendations below. No further response is required.

DTSC-2 This comment states that the EIR should evaluate conditions within the project area that may pose threat to human health or the environment and provides a list of the databases of regulatory agencies.

As stated on DEIR page 4.6-8:

In order to address the potential for encountering contamination within the project area, a Phase I ESA report and a Phase II Investigation report were prepared for the project site, as required by mitigation measures BECSP MM4.6-1 to investigate potential contamination and require remediation if necessary, prior to issuance of any occupancy permits... the Phase I revealed that the active gas station is a LUST site with ongoing remediation of soil and quarterly groundwater monitoring under the oversight of the SARWQCB and OCHCA. To remediate any existing conditions at the project site various work plans have been submitted to and were approved by OCHCA... Identification and remediation of known contamination on the project site as required by mitigation measure BECSP MM4.7-1, in combination with implementation of mitigation measure BECSP MM4.6-2, which requires the preparation and implementation of a Risk Management Plan in the

event that unknown or unidentified soil and/or groundwater is encountered would minimize the potential risk of contamination created by implementation of the proposed project.

During preparation of the Phase I ESA Report, environmental databases referenced in this comment and a number of other environmental databases were reviewed. Refer to Section 12 (Review of Federal, State, Tribal, and Local Government Databases) of the Phase I ESA Report included as DEIR Appendix B1 for a list of databases searched.

As stated on DEIR page 4.6-10,

The proposed project site is not included on the U.S. Environmental Protection Agency's CERCLIS database and Department of Toxic and Substances Control's EnviroStor. Based on review of the SWRCB's GeoTracker website, the proposed project site is included on the environmental databases as a LUST site, as noted in the Phase I.

As disclosed above and on DEIR page 4.6-8 and page 4.6-10, all conditions on the project site that may pose a threat to human health or the environment have been disclosed and work plans to remediate the identified contamination have been submitted to and approved by Orange County Health Care Agency (OCHCA), consistent with this comment.

DTSC-3

Mitigation measures BECSP MM4.6-1 and BECSP MM4.6-2 identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, as well as the government agency to provide appropriate regulatory oversight. As required by BECSP MM4.6-1, a Phase I ESA, and subsequently a Phase II Investigation Report, and Additional Site Assessment Report and Work Plan for Additional Site Assessment, was prepared for the project site. These reports are included as Appendices B1, B2, and B3 of the DEIR. As a mechanism is in place, as requested by this comment, no further response is provided.

DTSC-4

Consistent with this comment, a summary of the findings of the Phase I ESA, Phase II Investigation Report, and Additional Site Assessment Report and Work Plan for Additional Site Assessment prepared for the project site are included in DEIR Section 4.6 (Geology/Soils). These reports are included in the DEIR as Appendices B1, B2, and B3, respectively. A summary of closure and certification reports have been provided in DEIR Section 4.6.1 (Environmental Setting). A no further action certification was issued by OCHCA on October 14, 2010, for the dry cleaner facility on the project site. Remediation efforts associated with the LUST remain active at the project site and will be ongoing with implementation of the proposed project. Various work plans have been submitted to and were approved by OCHCA to remediate any existing conditions. As provided on DEIR page 4.6-2:

... work plans include an Additional Site Assessment to address potential soil and groundwater contamination (report dated July 16, 2010; approval date August 20, 2010),^{18,19} separate phase hydrocarbon removal (November 29, 2010, approval dated January 11, 2011),^{20,21} soil vapor survey (report dated November 30, 2010,

approval date January 12, 2011),^{22,23} and the installation of a “deep zone” groundwater monitoring well (December 15, 2010, approval dated January 13, 2011).^{24,25} Remediation efforts remain active at the project site and will be ongoing with implementation of the proposed project.

All closure, certification, and remediation approval reports by regulatory agencies are referenced in the DEIR and available for the review with the City.

DTSC-5 The comment states that an investigation should be conducted for the presence of hazardous chemicals, mercury, lead based paints (LBP) and asbestos containing materials (ACMs) prior to demolition activities, and contaminants should be remediated. Consistent with this comment, DEIR page 4.6-4 identifies the potential for ACMs and LBPs to be present in buildings that would be demolished and states that abatement will be required during the project’s demolition phase. As required by mitigation measure BECSP MM4.6-1, remediation, including the abatement of ACMs and LBP, shall occur prior to construction of the project, in accordance with federal and state regulations. Additionally, mitigation measure BECSP MM4.6-2 requires that in the event that contamination is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease and a Risk Management Plan would be prepared, approved, and implemented, and appropriate agencies notified. As such, no further response is necessary.

DTSC-6 As discussed on DEIR page 4.6-2, remediation efforts remain active at the project site and will be ongoing with implementation of the proposed project under the oversight of the SARWQCB and OCHCA. In the event that previously unknown contaminated soils are encountered during the construction phase of the project, mitigation measure BECSP MM4.6-2 would be implemented, as described under Response DTSC-5. Additionally, implementation of mitigation measure BECSP MM4.6-3 would reduce any impacts associated with methane gas by ensuring that appropriate testing and methods of gas detection are implemented at the project site, as required by HBFD City Specification No. 429, Methane District Building Permit Requirement. As such, imported soils or soil used for backfill would be free of contamination.

DTSC-7 As discussed in Section 4.6 of the DEIR, construction activities would involve the utilization of diesel-powered trucks and equipment, which would result in temporary diesel emissions that have been determined to be a potential health hazard. As discussed under Response DTSC-2, contamination on the project site has been identified and remediation is ongoing at the project site. In the event that previously unknown contaminated soils are encountered during construction activities, mitigation measure BECSP MM4.6-2 would be implemented which requires construction activities in the immediate vicinity of the contamination to cease and a Risk Management Plan be prepared, approved, and implemented, and appropriate agencies notified. Compliance with all applicable local, state, and federal laws and regulations would control hazardous waste, transport, disposal, or clean-up to ensure

that hazardous materials do not pose a significant risk to nearby sensitive receptors. As such, a health risk assessment would not be required for the proposed project.

- DTSC-8 The proposed project includes residential, retail and market uses, and would not require the handling of hazardous or other materials that would result in the production of large amounts of hazardous waste. As discussed in Section 4.6 of the DEIR, should the use and/or storage of hazardous materials at the project site rise to a level subject to regulation, those uses would be required to comply with all applicable federal and state laws.
- DTSC-9 Comment noted. The comment states that DTSC can provide guidance for cleanup oversight through future agreement. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No further response is required.
- DTSC-10 This comment contains concluding information. It is not a direct comment on the content or adequacy of the DEIR, and does not raise any specific environmental issue. No response is required.

■ California Department of Transportation (DOT), dated October 12, 2011

- DOT-1 Comment noted. This comment contains introductory and general information, and states that the California Department of Transportation (Caltrans) District 12 is the commenting agency on the proposed project. The nearest State routes to the project site are State Route 39(SR-39) and Interstate 405 (I-405). Please refer to responses to specific comments and recommendations below. No further response is required.
- DOT-2 The commenter requests that the method outlined in the latest version of the Highway Capacity Manual (HCM) be used when analyzing traffic impacts on State Transportation Facilities. This methodology was used as documented in the BECSP Program EIR, from which the proposed project DEIR is tiered.
- Impacts to traffic and State Transportation Facilities are discussed in DEIR Section 4.13.3 (Project Impacts and Mitigation). Mitigation measures BECSP MM4.13-1, BECSP MM4.13-2, BECSP MM4.13-10, BECSP MM4.13-11, BECSP MM4.13-12, BECSP MM4.13-13, BECSP MM4.13-14, BECSP MM4.13-17, and BECSP MM4.13-18 address impacts to State Transportation Facilities in the area (primarily addressing SR-39 [Beach Boulevard]) and require the project applicant to make a fair share contribution toward the identified improvements that would reduce project-related impacts to a less than significant level. However, the proposed project would contribute to a cumulative impact on a currently deficient Caltrans system, resulting in a significant and unavoidable cumulative impact, as identified on DEIR page 4.13-19.

The comment also states that the intersection of Main Street and Ellis Avenue should be analyzed for future conditions in the year 2030 and impacts resulting from the potential back up and over flow onto Beach Boulevard should be mitigated. As discussed on DEIR page 4.13-10 and shown in Table 4.13-5 (2030 ADT Volume Summary),

All segments are projected to have a slight decrease in daily traffic volumes compared to daily traffic volumes projected for the BECSP in 2030...Based on this reduction in ADT, the proposed project would not exceed anticipated daily traffic volumes identified for the BECSP, which were determined to be less than significant in the BECSP EIR.

Roadway segments analyzed in the DEIR include Beach Boulevard north and south of Ellis Avenue, Beach Boulevard south of Garfield Avenue, Main Street west of Beach Boulevard, and Ellis Avenue east of Beach Boulevard. As daily traffic volumes under the project would be less than that identified for the BECSP, the LOS at study intersections would not substantially change from those identified in the BECSP EIR, and included in DEIR Table 4.13-3 (2030 ICU Summary). Accordingly, no mitigation is necessary to address potential impacts associated with back up and overflow onto Beach Boulevard as operating conditions at the intersection of Main Street and Ellis Avenue would not be impaired by implementation of the proposed project. However, future development occurring in the Five Points district, as permitted by the BECSP, may be required to implement traffic improvements at the intersection of Main Street and Ellis Avenue to address impacts associated with back up and over flow onto Beach Boulevard.

As such, impacts to State Transportation Facilities have been adequately analyzed in the DEIR and mitigated to a less than significant level. No further response is required.

DOT-3

The project site is located at the intersection of Beach Boulevard (SR-39) and Ellis Avenue which is identified as a Caltrans facility. As such, the proposed project would occur in the vicinity of a Caltrans right-of-way (ROW) and could require an encroachment permit from Caltrans prior to commencement of work. As appropriate, all work performed would be subject to Caltrans Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

DOT-4

Caltrans requests that they continue to be informed of the proposed project activities and any future development which could potentially impact State Transportation Facilities. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is

required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

■ **Native American Heritage Commission (NAHC), dated September 30, 2011**

NAHC-1 This comment provides introductory or general information regarding the role of the Native American Heritage Commission, applicable CEQA statutes, as well as other policies and requirements, and encourages consultation with Native American Tribes in the area.

As discussed in Section 4.4 (Cultural Resources) of the DEIR, and confirmed later in this comment letter, Native American cultural resources are not located on or within the area of potential effect (APE) for the proposed project. However, consultation with the NAHC and the Gabrieliño Tongva Nation during the preparation of the BECSP EIR concluded that the BECSP area, including the project site is considered to be sensitive for the presence of Native American cultural resources, including human remains. As such, mitigation measure BECSP MM4.4-2(b) would be implemented in the event that evidence of an archeological site or other unknown historical resources are discovered during project-related earth moving activities. This mitigation requires that an archeologist meeting the Secretary of the Interior's Professional Qualifications for Archeology is retained. Further, although no resources are known to exist on the project site, mitigation measure BECSP MM4.4-3(b) would ensure that previously unknown paleontological resources uncovered during the construction process would be protected. Accordingly, the potential to impact Native American cultural resources has been mitigated to a less than significant level, in compliance with the statutes cited in this comment. No further response is required.

10.3.2 Organizations

■ **Hickey and Petchul, LLP (on behalf of the Huntington View Point Owners Association) (HP), dated October 21, 2011**

HP-1 This comment provides introductory and general information regarding the Huntington View Point (HVP) Owners Association (Association). The comment also states that implementation of proposed project will impact the HVP neighborhood due to increased vehicular and pedestrian traffic, criminal activity, and demand for parking, reducing their quality of life and property values due to the high density of the proposed project, ranging from 105 to 274 dwelling units. To clarify, the proposed project analyzed in the DEIR would result in the development of a maximum of 105 dwelling units. As an alternative to the proposed project, Alternative 3, the Increased Residential Mixed-Use Alternative which would allow for the development of up to 274 dwelling units was analyzed; however, the amount

of commercial uses that would occur under Alternative 3 would be substantially reduced compared to the proposed project (8,500 square feet [sf] vs. 37,000 sf).

Impacts related to traffic are addressed in DEIR Section 4.13 (Transportation/Traffic). As disclosed in DEIR Section 4.13.3, all project related traffic impacts were determined to be less than significant. Although the proposed project would result in a net increase in daily trips compared to existing conditions, as shown in Table 4.13-6 (Existing Year [2008] and Project Trip Generation Comparison), the change in average daily trips (ADT) derived from the project site is too small to produce a significant change in ADT volumes on the surrounding streets. Accordingly, the level of service (LOS) at study intersections would not change compared to existing conditions, as shown in Table 4.13-7 (Existing Year [2008] With and Without Project ICU Comparison), and a less than significant impact would occur under existing 2008 conditions. Further, with build out of the Beach and Edinger Corridors Specific Plan (BECSP) (including the proposed project) in 2030, study intersections would continue to operate at an acceptable LOS with implementation of mitigation measures BECSP MM4.13-1 through BECSP MM4.13-18, with the exception of the intersection of Beach Boulevard and Talbert Avenue which would continue to operate at a deficiency. All other traffic related impacts were determined to be less than significant in the DEIR, consistent with the findings of the BECSP EIR. Therefore, the proposed project would not increase traffic in the area such that significant impacts would occur, contrary to the comment.

With regard to parking, it is unclear from the commenter's letter what "limited parking" refers to. The amount of parking provided on the project site is consistent with that required by BECSP Section 2.7 (Parking Regulations). Additionally, as discussed under DEIR Impact 4.13-7, the proposed project has been designed to promote the use of alternative modes of transportation such as walking and public transportation, reducing vehicle miles traveled. As the proposed project would place housing and retail uses within walking distance to the Five Points shopping center, jobs, existing residential uses, and public transportation, the demand for parking is anticipated to be reduced compared to existing conditions in the area. In addition, the proposed project site is located almost one-quarter mile from the Huntington View Point development. It is not anticipated that project residents and visitors would park at the Huntington View Point development and then walk that distance to the project site. Further, as of 2011, CEQA no longer requires parking capacity to be analyzed in environmental documents.

The threshold of significance as established by Appendix G of the 2011 CEQA Guidelines to determine if a project may have a significant adverse impact on public services is as follows:

Would the project result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered police protection facilities, the construction of which could cause significant environment impacts, in order to

main acceptable service ratios, response times, or other performance objectives for the public service?

As such, the DEIR does not consider potential direct increases in criminal activity, but rather the DEIR analyzes impacts to public services (including police protection services), with regard to the project's direct increase in population and building area which create additional demand for public services. Increased demand for public services could result in inadequate staffing levels and/or necessitate construction of a new or physically altered facility. DEIR Section 4.11.8 (Project Impacts and Mitigation) acknowledges that the proposed project would result in an increase in population and building area in the City, consequently increasing demand for police services. However, with implementation of mitigation measure BECSP MM4.11-1 which would ensure that adequate staffing levels are maintained, implementation of the proposed project would not require any new or physically altered police facilities to maintain adequate response times and staffing, the construction of which could result in significant environmental impacts. As such, a less than significant impact to police protection services would occur.

Impacts to quality of life and property values are not a topic covered by CEQA and therefore have not been addressed in the DEIR. However, this comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

In conclusion, the proposed project would not result in significant impacts to traffic, the only topic mentioned in this comment directly covered by CEQA and required to be addressed in the EIR. All other issues provided in this comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

HP-2

The commenter urges the City's Planning and Building Department to reconsider the project and "more adequately address" the environmental impact of the project on the residents of the City. The commenter also states that the HVP Association intends to appear at the public hearing and object to the commencement of the project unless further studies and research is considered to ensure that the impact upon residents is minimized.

Although the commenter requests that specific environmental impacts be more adequately considered and further studies and research be conducted, no direct comment on the content or adequacy of the DEIR is provided, nor is a specific environmental issue raised. Based on thorough analysis provided in both the project DEIR and the BECSP Program EIR from which the project DEIR is tiered, the proposed project would not result in significant impacts with exception of the following significant and unavoidable impacts that were identified:

- **Air Quality**

- > **Project Specific and Cumulative**—Construction of the proposed project would violate an air quality standard as it would result in

emissions that exceed the SCAQMD threshold of significance for VOCs.

■ **Transportation/Traffic**

- > **Cumulative**—Operation of the proposed project would cumulatively contribute to an unacceptable Level of Service at two City intersections.
- > **Cumulative**—Operation of the proposed project would cumulatively contribute to an increase in delay at two Caltrans intersections and would increase traffic to the I-405 northbound loop ramp, which is currently deficient.

As such, impacts of the proposed project have been adequately disclosed in the DEIR and are supported by studies included as appendices to the DEIR or available for review at the City.

HP-3

The comment requests that homeowners within the HVP Association receive individual notice prior to approval of the proposed project in order for individuals to review the EIR and provide comments. The comment also states that owners and residents of the HVP neighborhood did not receive a notice of availability for the DEIR.

The DEIR for the Beach and Ellis Mixed-Use Project was circulated for review and comment by the public, agencies, and organizations for a 45-day public review period that began on September 9, 2011, and concluded on October 24, 2011. A public information meeting was held on October 6, 2011, to receive comments on the adequacy of the DEIR. A notice of availability (NOA) was distributed to all owner and occupants of property within a 1,000-foot radius of the proposed project site, including the HVP Association, as well numerous addresses on Vallarta Drive and Pueblo Court which are within the HVP neighborhood. The NOA included the dates of the DEIR review period, the date, time, and location of the public meeting, and where the DEIR could be found for public review. Further, the dates of the DEIR review period and the location, date and time of the public hearing on the DEIR were provided on the City's Planning and Building Department website and noticed in the local newspaper (<http://www.huntingtonbeachca.gov/government/departments/planning/major/>). As such, the City followed protocol for notification of residents regarding availability of the DEIR. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval. No further response is required.

HP-4

Comment noted. The comment states that the Association reserves the right to further comment and object to any of the issues contained in comments and objections received from other interested parties. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

HP-5 Comment noted. This comment contains closing text. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

10.3.3 Individuals

■ The Peter Law Firm (Alois Peter, Jr.) (PLF), dated October 19, 2011

PLF-1 Comment noted. The commenter is an owner and resident of the HVP neighborhood and is opposed to the project because it will lower the quality of life for the citizens of Huntington Beach. The comment also states that an NOA was not received by the commenter or others in the HVP neighborhood and the project was being proposed without the community's knowledge.

As stated in Response HP-3, the NOA was distributed to all owners and occupants of properties within a 1,000-foot radius of the proposed project site, which included the HVP Association, as well numerous addresses on Vallarta Drive and Pueblo Court which are within the HVP neighborhood. Further, the dates of the DEIR review period and the location, date and time of the public hearing on the DEIR were provided on the City's Planning and Building Department website and in the local newspaper. As such, the City followed protocol for notification of residents regarding availability of the DEIR.

With regard to the comment about the project being proposed without the community's knowledge, the proposed project site was contemplated in the IS/NOP prepared for the BECSP EIR (July 2008). For the proposed project site, a project consisting of 120 residential dwelling units, and a commercial component, totaling 71,000 square feet (sf) of retail uses and a two-level health club was identified in the BECSP IS/NOP. The project, as proposed, is 15 dwelling units and 34,000 sf of commercial space less than the project contemplated for the project site in the IS/NOP. As such, development of the project site with the proposed uses and density has been long anticipated by the City and encouraged in the BECSP through its development standards. Community outreach for the BECSP and associated EIR included sixteen community meetings and public hearings. Notice of these meetings was sent to property owners and occupants within a 1,000-foot radius of the Specific Plan boundary and included the HVP Association and numerous property owners/occupants on Vallarta Drive and Pueblo Court. Therefore, development of the project site is not unexpected and has been planned for since preparation of the IS/NOP for the BECSP EIR began in July 2008.

PLF-2 The comment states that the HVP neighborhood was not given proper notice of the DEIR as required by law. Please refer to Response PLF-1 regarding the City's actions to notify residents of the availability of the DEIR.

CEQA Guidelines Section 15087(a)(3) requires an NOA be mailed to the owners and occupants of all properties contiguous to the parcel or parcels on which the project is located. As the City distributed the NOA to all owners and occupants of properties within a 1,000-foot radius of the project site, the City satisfied legal requirements related to the distribution of the NOA. As such, no further response is required.

PLF-3

Comment noted. The commenter expresses dislike for the project due to the size (274 residential units and 483 new parking stalls) which would result in increased traffic and crime, and the project, as proposed, is not needed by the community. Refer to Response HP-1 regarding traffic and crime. It should also be noted that the project proposed includes 105 residential dwelling units, contrary to the commenter's statement, and includes retail, market and open space components. However, an alternative to the project does include 274 dwelling units. Further, the project has been designed to achieve the objectives of the BECSP and is consistent with the City's vision for the project site. The project is intended to improve the quality of life for residents of Huntington Beach by providing commercial uses and open space that serves the community, and encouraging the use of alternative modes of transportation such as walking or public transportation, which reduce vehicle miles traveled. Refer to Response HP-1 regarding the amount of parking provided on the project site.

As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

PLF-4

The comment states that due to the proposed project's access configuration, daily traffic volumes on Ellis Avenue would increase, making it more dangerous and difficult for residents of the HVP neighborhood to exit the community from Vallarta Drive onto Ellis Avenue.

The proposed project is estimated to generate approximately 1,693 daily vehicle trips, an increase of approximately 510 daily trips compared to existing conditions (refer to Table 4.13-6 [Existing Year (2008) and Project Trip Generation Comparison]). As shown in DEIR Figure 4.13-2 (Project Trip Distribution and Project Access Volumes), the traffic study estimates that 31 percent of the 510 daily trips generated by the proposed project would use Ellis Avenue, equating to a daily increase in traffic on Ellis Avenue of 158 trips. This increase in ADT would not result in any significant change in LOS at study intersections or result in significant adverse impacts. A portion of these small increases in traffic on Ellis Avenue will add to the traffic volumes in the vicinity of Vallarta Drive. However, the volume of traffic represents a relatively small percentage of the existing traffic on Ellis Avenue (less than 1 percent) and would not be expected to result in a significant adverse impact. Additionally, the 1,200-plus-foot distance between the proposed driveway on Ellis

Avenue and Vallarta Drive is sufficient to eliminate any operational effects of the proposed project that could result increased difficulty or danger when entering or exiting the HPV neighborhood.

- PLF-5 The comment states that air quality will get worse in the neighborhood due to increased vehicle trips generated from the project site. However, as disclosed in DEIR Section 4.2.3 (Project Impacts and Mitigation) significant air quality impacts would not occur during operation of the proposed project. The proposed project would produce higher emissions of VOCs, SO_x, and PM₁₀ and lower emissions of NO_x, CO, and PM_{2.5} compared to existing site development. However, emissions generated from operation of the proposed project would not exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD) for any criteria pollutant, as disclosed under Impact 4.2-3, and would not expose sensitive receptors to substantial pollutant concentrations, as disclosed under Impact 4.2-5. As such, air quality impacts would not occur as result of operation of the proposed project, and no further response is required.
- PLF-6 Comment noted. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.
- PLF-7 The comment states that noise levels will increase in the community due to more residences (274 dwelling units) and cars resulting from the proposed project, and expresses concern that helicopters will hover over the project site, further increasing noise.
- As disclosed in DEIR Section 4.9.3 (Project Impacts and Mitigation), operation of the proposed project would not result in increased noise levels such that a significant impact would occur. Increased noise levels associated with operation of the proposed project, including vehicle trips, increased human activity, and heating, ventilation and air conditioners (HVAC), would not exceed the established threshold of significance or substantially increase in ambient noise levels. Further, refer to Response HP-1 regarding an increase in crime. CEQA does not require the consideration of potential direct increases in criminal activity, but rather the analysis of impacts to public services (including police protection services), with regard to the project's direct increase in population and building area which could create additional demand for public services. As discussed in DEIR Section 4.11.8, the proposed project would result in a less than significant impact to police protection services. As such, a direct increase in police helicopters hovering above the site is not anticipated and associated noise impacts would not occur. Further, the proposed project would not include a helipad. As discussed on DEIR page 4.9-9, the nearest helipad is located 1.47 miles north of the proposed project site on the rooftop of a tower at the southwest corner of Beach Boulevard and Warner Avenue, and has not been used in

over three years. As such, noise impacts associated with helicopters is not anticipated to be significant.

To clarify, the proposed project analyzed in the DEIR would result in the development of a maximum of 105 dwelling units. As an alternative to the proposed project, Alternative 3, the Increased Residential Mixed-Use Alternative which would allow for the development of up to 274 dwelling units, was analyzed. Noise analysis performed for Alternative 3 beginning on DEIR page 6-35, determined that noise impacts anticipated under Alternative 3 would be less than significant, similar to, but slightly greater than, the proposed project due to the increase of vehicle trips generated at the site and the intensification of human activity. As such, significant noise impacts would not occur as result of operation of the proposed project or Alternative 3, and no further response is required.

PLF-8 The comment states that utilities and service systems would be further strained with the construction of the proposed project. Refer to DEIR Section 4.14 (Utilities/Service Systems) which provides a discussion of how the proposed project would not result in significant impacts to utilities and service systems, and would be accommodated by existing utilities infrastructure and service systems with implementation of mitigation measure BECSP MMM4.14-1 and code requirements BECSP CR4.14-1 through BECSP CR4.14-4, and compliance with all applicable policies and regulations. As such, significant impacts to utilities and service systems would not occur as result of the proposed project, and no further response is required.

PLF-9 The comment states that future project conditions should be compared to existing conditions. The DEIR compares the proposed project to both existing conditions and those planned for at build out of the previously approved BECSP. Please refer to the entirety of Chapter 4 (Environmental Analysis). Also, please note that the project DEIR has been tiered from the BECSP Program EIR which analyzes the impacts of full build out of the BECSP, including development of the project site. This comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

PLF-10 The comment states that construction will create an unwanted nuisance. All construction impacts have been determined to be less than significant or have been mitigated to a less than significant level with the exception of Impact 4.2-2, an air quality impact associated with VOC emissions during a small portion of the construction phase that would exceed established thresholds. However, this impact would be temporary. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

- PLF-11 Comment noted. The comment expresses concern that the project will never be completed and does not want this happening in the community, as was the case for another project in the City of Huntington Beach. This comment does not raise any CEQA related issues. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.
- PLF-12 The comment expresses disinterest in the project and requests notification of the next hearing on the project. As this comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

■ Kate Tran (KT), dated October 18, 2011

- KT-1 The commenter expresses an opinion on the project as proposed, concerns regarding traffic congestion at the project area, and suggests that a two story commercial structure be constructed at the project location. The comment also requests notice of the City's decision on the project. Refer to Response HP-1 regarding future traffic conditions in the project area with and without the proposed project. This comment will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.
- KT-2 The commenter inquires about the approval process and the impacts of the proposed project. Impacts of the proposed project have been disclosed in the DEIR. Although the project was contemplated in the BECSP Program EIR, the proposed project, as well as future projects in the BECSP area, are subject to project specific environmental review and approval processes as set forth in the BECSP. The vision and development standards of the BECSP were the subject of sixteen community meetings and public hearings for which over 22,000 property owners, businesses, occupants and interested parties were notified. Interested parties, such as citizens of Huntington Beach, may comment on individual projects during their approval process. Projects in the City, including the proposed project, are not subject to voter approval.

10.3.4 Public Testimony (DEIR Meeting)

Although the comments/letters are typically provided in alphabetical order, in this section, comments are organized in the order in which testimony was received at the DEIR meeting on October 6, 2011.

■ Tipton Wright (TW)

- TW-1 The commenter expresses concerns regarding reduced vehicular access to the project site compared to existing conditions, traffic impacts on area intersections, including

Beach Boulevard and Ellis Avenue, and vehicle maneuvering in the adjacent alley way. The commenter also inquires about the last time the City took car counts and potential impacts to Bolsa due to the project.

Please refer to DEIR Section 4.13.3 (Project Impacts and Mitigation), which analyzes traffic impacts of the proposed project. All traffic impacts were determined to be less than significant. As disclosed under Impact 4.13-1 and Impact 4.13-2, under existing conditions and year 2030 conditions, the proposed project would not result in a change to the level of service (LOS) at intersections in the project area, and would therefore result in a less than significant impact. However, the project is subject to a fair-share contribution towards future improvements to the area roadway system, as required by mitigation measures BECSP MM4.13-1 through BECSP M4.13-18.

Proposed access to the project site and anticipated project trip distribution is shown in DEIR Figure 4.13-2. Although the proposed project would reduce the number of access driveways from seven to two, turning movements would remain substantially the same. As part of the proposed project, the private alleyway (referred to in this comment) located along the east side of the project site would be improved to serve as a shared access driveway/fire lane. These improvements would ensure that vehicles would be able to maneuver safely. Additionally, design of the access points and the alley will be formally approved during the site plan review process undertaken by the City to ensure that impacts would be less than significant. Refer also to Response PLF-4.

With regard to traffic counts, refer to the BECSP Traffic Study prepared in August 2009, included as Appendix F1 of the BECSP EIR. As described on DEIR page 4.13-1, the project traffic section “relies on both the project-specific traffic information provided in the BECSP Traffic Analysis for Beach-Ellis Project prepared for this project, which supplements the information contained in the BECSP Traffic Study, as well as information provided in the certified BECSP EIR”. Accordingly, traffic counts included in the BECSP Traffic Study were used as the baseline in the traffic analysis performed in DEIR Section 4.13 (Transportation/Traffic). According to the BECSP Traffic Study, the volumes for the arterial roads in the study area are from traffic counts collected in late 2005 and early 2006 for the City of Huntington Beach, and in early 2009 for other jurisdictions. A special count program carried out in Huntington Beach in 2008 to determine if the count data was adequate for representing 2008/2009 conditions determined that minimal growth in traffic had occurred over that two to three year period. Because count data was determined to be adequate for representing 2008/2009 conditions and minimal growth has occurred in the City since the BECSP Traffic Study was prepared, no more recent traffic counts have been taken.

With regard to impacts to Bolsa Avenue, as disclosed on DEIR page 4.13-18, the proposed project would contribute to a cumulative significant and unavoidable impact at the intersection of Beach Boulevard and Bolsa Avenue due to build-out of

the BECSP. Implementation of mitigation measure BECSP MM4.13-12, which requires the payment of fair-share impact fees to fund future improvements at the intersection of Beach Boulevard and Bolsa Avenue, would reduce the cumulative impact at the intersection of Beach Boulevard at Bolsa Avenue, although the intersection would continue to operate at an unacceptable LOS F in the PM peak hour. However, because this intersection is a Caltrans facility and is outside of the City's jurisdiction to ensure mitigation is implemented, the impact is considered to be a significant and unavoidable cumulative impact. No other intersections with Bolsa Avenue would be significantly impacted as a result of implementation of the proposed project, or build out of the BECSP.

■ John Craney (JC)

JC-1

The commenter expresses concern regarding increased traffic on Ellis Avenue, Beach Boulevard, and Main Street, impacts on air quality due to parking, and the availability of water, the height of proposed buildings, as well as increased crime and crime statistics and benefits to the citizens of Huntington Beach.

Refer to DEIR Section 4.13.3 (Project Impacts and Mitigation) for an analysis of traffic impacts of the proposed project. Although the proposed project would increase the number of daily vehicle trips generated at the project site compared to existing conditions, under existing conditions and year 2030 conditions, the level of service at study area intersections would not change substantially as a result of the project. Accordingly, traffic impacts on Ellis Avenue, Beach Boulevard, and Main Street would be less than significant. However, the project is subject to a fair-share contribution towards future improvements to the area roadway system, as required by mitigation measures BECSP MM4.13-1 through BECSP MM4.13-18. Refer also to Response PLF-4.

With regard to air quality impacts in the parking structure, refer to DEIR Section 4.2.3 (Project Impacts and Mitigation). While the proposed project would result in temporary air quality impacts during a portion of the construction phase, operation of the proposed project would not result in air quality impacts.

With regard to the water supply, refer to Impact 4.14-2. Although the proposed project would generate an additional demand for water, compliance with the City's conservation programs, as well as implementation of mitigation measure BECSP MM4.14-1 and code requirement BECSP CR4.14-2 would ensure that the proposed project's impact to water supply would be less than significant.

The height of proposed buildings and BECSP building height limits and standards are discussed beginning on DEIR page 4.1-9. BECSP Section 2.3.1 (Building Height) permits buildings to be a minimum of two stories and a maximum of six stories in height on the project site and BECSP Section 2.3.2 (Special Building Height Limits) establishes special building height limits for development along Beach Boulevard or

located adjacent to, or across from, housing such as the project site. Inconsistencies between the design of the proposed project and BECSP building limits and standards would be addressed during the site plan review process, and revisions to the design of the proposed project may be made in an effort to achieve consistency with the BECSP guidelines. As such, the height of development on the project site would ultimately be consistent with what has been encouraged in the BECSP through its development standards.

Refer to Response HP-1 regarding increased crime resulting from implementation of the proposed project. As the remainder of concerns expressed in this comment are not covered by CEQA, not a direct comment on the content or adequacy of the DEIR and do not raise a specific environmental issue, no further response is required. All comments will be forwarded to appropriate City departments and decision-makers prior to consideration of project approval.

■ Fred Kent (FK)

FK-1

The commenter asks the meaning of SRO, which stands for single-room occupancy as defined on DEIR page 3-1. The commenter asks about proposed traffic improvements, such as traffic lights at access points and turning lanes, and analysis done for traffic on Ellis Avenue, and expresses concerns regarding vehicular access to the project site. The commenter also states that he was not aware of any previous meetings and that traffic is bad at the intersection of Gothard Avenue and Main Street.

The proposed project does not include off-site traffic improvements such as traffic lights or turning lanes. However, the proposed project is required to make a fair share contribution towards future improvements to the area roadway system, as required by mitigation measures BECSP MM4.13-1 through BECSP MM4.13-18, although none of these improvements would occur on Ellis Avenue or Beach Boulevard. Refer to DEIR Section 4.13.3 (Project Impacts and Mitigation) regarding traffic conditions on Ellis Avenue with implementation of the proposed project. The proposed project would not result in changes to the level of service at study intersections, including Ellis Avenue, under both existing conditions and year 2030 conditions. The comment regarding existing traffic conditions at the intersection of Gothard Avenue and Main Street has been noted. Refer to Response TW-1 for a discussion of proposed vehicular access to the project site.

As disclosed in DEIR Chapter 1 (Introduction), the proposed project site was identified in the Initial Study (IS)/Notice of Preparation (NOP) for the BECSP EIR as one of four individual projects that would be analyzed under the BECSP EIR. (Subsequent to the IS/NOP it was determined that the individual project would be analyzed separately from the BECSP EIR.) Accordingly, the scoping meeting held on August 21, 2008 for the BECSP EIR also addressed the project previously proposed for the project site. The project as proposed is currently 15 dwelling units and

34,000 square feet (sf) of commercial space less than the project contemplated for the project site, and is substantially consistent with that published in the IS/NOP for the BECSP EIR. No other public hearings and public meetings have been conducted for the proposed project.

■ Simon Feirstein (SF)

SF-1 The commenter expresses concerns regarding how semi-trucks will access the project site, and the proposed use of the alley/fire lane by these trucks. The commenter also asks if the alley will be widened as part of the project. As stated on DEIR page 3-7 and altered in Section 9.2 of this FEIR:

Access for delivery trucks would be provided from a shared access driveway (private alleyway) to the east of the project site. An easement for pedestrian and vehicular ingress and egress serving the subject site and the shopping center to the south exists on this property; however, the project would be required to improve the shared access driveway, as needed.

Improvements to the shared access driveway/fire lane would ensure that trucks could be adequately accommodated. Further, design of the access points will be formally approved during the site plan review process undertaken by the City which would ensure that truck access is accommodated.

■ Nancy Untener (NU)

NU-1 The commenter asks if there are other projects similar to the proposed project in terms of the number of units, density, and square feet. In response, there are several recently approved projects in the city that are more dense than the proposed project. Please refer to the City's Planning and Building Department website at <http://www.huntingtonbeachca.gov/government/departments/Planning/major/> for a description of these projects.

